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History of the Former State Constabulary and Relevance to SLED

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South Carolina's first organized state-level police force emerged with Act 11 of 1868 as a "state constabulary". A product of Reconstruction, it did not last long. While established by legislative act of the South Carolina General Assembly, the constable and a constabulary were derived from English common law. South Carolina constables were required by the Act to, "...at all times obey and execute orders of the governor in relation to the preservation of the public peace, and the execution of the laws throughout the state." Even though the constabulary of 1868 did not survive, the relationship between constable and governor remained essentially intact evolving over time with new duties, additional authorities, and eventually a different name.

By 1893, Act 313 established the Dispensary System giving constables the mission of enforcing the ban on non-dispensary alcohol. Many citizens found these restrictions disagreeable. The depth of displeasure was not fully apparent until March 1894. That month a serious threat to the rule of law erupted with a deadly riot in Darlington.

Constables were cast as spies searching private homes for alcohol, and seven state constables died in adversarial actions in South Carolina between 1894 and 1913. Yet, somehow in the chaos of enforcing compliance with extremely unpopular laws the constabulary survived. Its attention remained focused on alcohol, and from 1919 to 1933 the constabulary enforced Prohibition—seemingly a job with little long-term security.

Before the end of Prohibition, Act 91 of 1923, authorized state constables to "assist in the detection of crime and the enforcement of any criminal law." It also allowed the governor to make appointments with or without compensation. Constables worked general criminal assignments but concentrated on alcohol and vice offenses. While constables had always performed a variety of duties, Act 91 was official recognition of state officers aiding local law enforcement. Assistance was required when the resources of local sheriffs and police departments were inadequate to the tasks. They frequently were. After all, in the early

20th century many sheriff or police departments consisted only of an agency head along with one or two deputy sheriffs or police officers, if staffed with subordinates at all.

While there was a chief constable for the state constabulary, his role was limited in the selection of constables. Gubernatorial appointment of constables, often based on the recommendation of the local senator, contributed to the perception of the constabulary as political. Appointments were local matters, and support from the local senator was crucial. Until “one man—one vote” became the law of the land, individual state senators could wield significant power. Persons appointed to office, including that of constable, were obliged to both the senator and the governor. From a practical perspective, often the real decision to hire was made by the senator rather than the governor. This fact sometimes made the constable even more obligated to the senator, even though constables served at the pleasure of the governor and could easily be removed from office. Nonetheless, it was a commission issued by the governor that conferred authority and enabled the exercise of law enforcement powers, such as to make misdemeanor arrests without warrant.

The constabulary’s prime mission of countering illegal whiskey was difficult and dangerous. Remote areas in mountains and swamps saw a near fanatical belief by residents that laws from beyond their domain held no sway in their territory. “Moonshine” liquor was part of the culture and a way some chose to earn a living when times were tough.

In the “Dark Corner” of Greenville County, a mysterious and mountainous region, state constable James Holland Howard was shot and killed on January 31, 1924. The “Ballad of Holland Howard” memorialized his death at the hands of Holland Pittman, who had been making illegal corn whiskey along with a pair of brothers named Plumley, before a squad of officers raided. The work ranged from one side of the state to another.

In the 1930s, poor working conditions led to organizing efforts among textile workers. Local law enforcement working labor strikes found themselves understaffed for the task. Spartanburg authorities in June 1932 requested state constables assist with policing a strike at Arcadia Mills. State constables were sent there and elsewhere to deal with the labor unrest. Race relations during much of the 20th century also required the assistance of constables and later their successor SLED agents, due to the injustices of Jim Crow laws and racial hatred of some.

In 1933, the Volstead Act was amended to allow the sale of low alcohol content wine and beer, and by December of that year, Prohibition ended with the repeal of the 18th Amendment. Under Act 232 of 1935, constables had a new purpose to regulate, not prohibit, the manufacture, sale, and possession of alcohol. Prohibition introduced not only “moonshining” but organized crime to exploit opportunities created with Prohibition in big cities. The stereotype of a mob gangster gave way to new crimes like bank robberies committed over wide areas and multiple states by actors like John Dillinger. The nation was impressed with the news reports of cases solved by federal agents and states began to establish new state investigative agencies.

Gov. Burnett Maybank, a former Charleston mayor, proposed in 1939 a state FBI be established. House members passed a resolution suggesting a joint legislative committee consult with Maybank, but the idea died in the Senate. Still, many thought a police agency with high standards was needed. During this time, the constabulary was a division of the governor's office and "South Carolina Law Enforcement Division" appeared on agency letterhead, even as the officers continued to be known as constables. Maybank wanted them to be known as "Governor's Officers". The term appeared on official badges for a time.

Both governors Olin Johnston and Ransome Williams called for a state police instead of the constabulary. But the General Assembly remained unconvinced. Even so, momentum was building for a professional state-level law enforcement agency to better address crime using scientific investigation techniques. Expectations of police were changing.

During World War II, state constables played a role at home with responsibility for enforcing blackouts along the coast. Constables and highway patrolmen patrolled areas frequented by soldiers and sailors to maintain order and watch for German spies. After World War II, improved mobility profoundly impacted law enforcement.

The late Bruce Littlejohn, Chief Justice of the state Supreme Court, referring to post war changes in society said, "People litigate because they go places and do things and create problems." Moving about also created opportunities for crime. Businesses were being hurt by roving safecrackers. Sheriffs gathered in Columbia in 1946 told gubernatorial candidate Strom Thurmond help was needed. The constabulary had to evolve.

Following his election, Gov. Thurmond recommended moving of the identification unit of the Highway Patrol into the South Carolina Law Enforcement Division and the establishment of a state bureau of investigation. In January 1947, he named Highway Patrol lieutenant Joel Townsend as chief constable.

In February 1947, T.W. Brown, a white taxi driver was robbed and killed in Greenville. The suspect was Willie Earle, a 25-year-old black man. Earle was taken to the jail in Pickens County because of tense conditions in Greenville. Despite the precautions, Earle was taken from the jail by a mob at gun point and brutally murdered in Greenville County. Thurmond instructed Townsend to send state constables to assist in the investigation.

Constables worked with Greenville city and county officers and FBI agents investigating the case. Despite identifying and charging members of the lynch mob, a Greenville County jury found them not guilty. The awful crime made clear the need for a modern professional state investigative agency.

A concurrent resolution dated March 26, 1947 sponsored by Rep. Sol Blatt of Barnwell called for the transfer of the identification unit of the Highway Patrol to the S.C. Law Enforcement Division, as requested by Thurmond. The resolution passed and became the de facto end of the constabulary. However, it would take time for the South Carolina Law

Enforcement Division (SLED) fully enabled by statutes as the successor agency. Even so, as SLED the agency would provide broad support to law enforcement agencies and conduct investigations assigned by the attorney general or governor.

The complete transition from state constabulary to SLED arguably would not be complete for several years. However, as the demands for case acceptance grew, so did the agency. Chief James Preston "J.P." Strom emerged to lead the agency and did so for much of the 20th century. Under Strom, the mission of the agency and its "agents", as they had come to be known, was to provide manpower and technical assistance to chiefs and sheriffs.

Relationships with the governor, attorney general, and general assembly matured. Finally, Act 1240 of 1974 effectively ended the state constabulary. The South Carolina Law Enforcement Division became an independent agency with the senate's confirmation required for appointment as chief. The governor's sole discretion in the selection of a chief was the rule when Act 11 of 1868 was superseded. Restoration of the confirmation requirement came with Act 1240 and strengthened both the position of chief and the agency, by extension. Strom's leadership lasted over the terms of nine governors, ending with his death while still chief. His long service and somewhat similar physical appearance often drew comparisons to the late FBI Director J. Edgar Hoover.

J.P. Strom began his career as a South Carolina law enforcement officer as a state constable. The connection was seldom mentioned, possibly because the constabulary was looked upon as a vestige of the past, a relic of early less professional law enforcement. But Strom was a thoroughly competent investigator with good political savvy. State constable Strom, over the transition years from constabulary to SLED, introduced critical law enforcement investigation techniques and technologies to South Carolina. Ballistic identification and comparison, chemical analysis of evidence, and connecting the state to other states with law enforcement teletype communications began under Strom. Also, while Strom was chief in the 1960s, the state began its legal transition from segregation to integration.

Accepting that the law protected civil rights and represented necessary change in society was a struggle for some. The accompanying unrest passed, some say, with less violence in South Carolina than other Southern states, notwithstanding the 1968 tragedy in Orangeburg. If true, it was to a large extent the peace keeping work of constable then chief J.P. Strom, who charged by the late Fritz Hollings as governor was instructed, "Go find out what went wrong in Mississippi and make certain it doesn't happen here." The state constabulary played an important role in South Carolina becoming a modern state.

The constabulary was superseded as a state agency by SLED. The "constable" remains as a public office used as a tool by the governor to commission and empower officers for a variety of purposes. Some are employed by the state agencies that are not primarily criminal law enforcement agencies but have incidental need of "police" authority. Some are volunteers working with local police, when authorized. Some are retired law enforcement officers.

The relationship between the state constabulary and SLED is complicated, except for this: When state leaders decided South Carolina needed a contemporary, professional law enforcement agency, it was SLED. Its heritage is clearly derived from the constabulary of old.